

In Re: : Case No. 06-52089
 Jamie A. Eader : Chapter 13
 : Judge Hoffman

Now comes Frank M. Pees, Chapter 13 Trustee (“Trustee”), and moves this Court for an order deeming Debtors’ mortgage obligation to Colony Mortgage Corp (“Mortgage Company”) current as of the month in which the final payment was made by the Trustee, specifically, July 2009 (“Final Payment Date”). Support for this motion is set forth below.

MEMORANDUM

Debtors filed a case under Chapter 13 of the Bankruptcy Code on May 4, 2006. The plan was confirmed on July 6, 2006. Pursuant to the terms of Debtors' confirmed Chapter 13 Plan and any filed proofs of claim, any default in the mortgage obligation was to be cured, and regular, post-petition mortgage payments were to be paid to Mortgage Company through the Trustee by "conduit" commencing June 2006.

Debtors have completed all requirements of the confirmed Plan, and Trustee made the final conduit mortgage payment on the Final Payment Date. Debtors have been instructed by the Trustee to make mortgage payments directly to the mortgage company beginning in the month following the Final Payment Date. Therefore, all allowed claims for pre-petition arrearages and all regular, post-petition payments have been paid in full in accordance with the confirmed Chapter 13 Plan.

Wherefore, Trustee respectfully requests that this Court enter an order:

(a) finding that all pre-petition arrearage claims of Mortgage Company have been paid in full through the Plan;

(b) finding that all regular, post-petition mortgage payments have been made by the Trustee through the Final Payment Date, and that all such “conduit” payments are deemed to have been made on a timely basis;

(c) finding that the mortgage obligation to Mortgage Company is deemed current as of the Final Payment Date; and

(d) directing Mortgage Company to adjust its loan balance to reflect the balance delineated in the original amortization schedule as of the Final Payment Date, and finding that any amounts in excess of that balance, including any alleged arrearages, costs, fees or interest are discharged pursuant to 11 U.S.C. §1328.

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Deem Mortgage Current and Notice thereof was served on the parties listed below in the manner and on the date indicated.

Date: July 27, 2009

/s/ Frank M. Pees

Frank M. Pees, Chapter 13 Trustee

Electronic Service by ECF:

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Owensboro, KY 42301

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